**Kafuku and others v Nsanjo Multipurpose Agricultural Marketing Primary**

**Co-operative Society Ltd**

**Division:** Court of Appeal of Tanzania at Mwanza

**Date of Judgment:** 19 August 2003

**Case Number:** 17/00

**Before:** Ramadhani, Mroso and Munuo JJA

**Sourced by:** LawAfrica

**Summarised by:** A Mwanzia

*[1] Administrative law – Procedure for expulsion of member of co-operative society.*

*[2] Co-operative Society – Membership – Expulsion of members – Principles of natural justice –*

*Whether members lawfully expelled from co-operative society – Section 47(1) Co-operative Societies*

*Act, Rules 15(a), (e) and 16(c) Co-operative Societies Rules.*

**Editor’s Summary**

The appellants sued the respondent in the High Court for special damages for being expelled from membership of the respondent co-operative society. The appellants had been expelled by a resolution of an ordinary general meeting for holding illegal meetings with intent to break up the respondent society. Evidence led showed that the appellants had organised an illegal meeting which enlisted 170 people out of whom only 50 were genuine members and the rest fake members. The applicants had been availed an opportunity to defend themselves at the general meeting though they did not do so. They claimed TShs 1 326 939 membership contribution to the respondent society. The High Court dismissed the appellant’s case and they appealed to the Court of Appeal on grounds that the Learned Judge erred in holding that the appellants were lawfully expelled and that the Learned Judge erred in holding that the applicants had failed to prove their case on balance of probability.

**Held** – The expulsion of the appellants from the respondent society was lawful because the appellants contravened section 47(1) of the Co-operative Societies Act, rules 15(*a*), (*e*) and 16(*c*) of the Co-operative Societies Rules and by-laws 14(*a*) of the respondent’s 1993 by-laws. The appellants were given a hearing before they were expelled from the society and therefore no principles of natural justice were compromised or breached by the respondent society. Appeal dismissed with costs.

**No cases referred to in judgment**